



General Assembly

Substitute Bill No. 1009

January Session, 2023



AN ACT CONCERNING IDENTIFIED ADOPTIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 45a-728 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2023*):

3 The Commissioner of Children and Families shall adopt regulations
4 in accordance with chapter 54 concerning [adoption] adoptive
5 placement of children [who have been identified or located] by child-
6 placing agencies, whether such children have been identified or
7 located by prospective adoptive parents or placed for adoption by such
8 agencies. Such regulations shall provide that for adoptions involving
9 an identified [expectant mother] pregnant person, counseling of [the
10 birth mother] such person shall be required [within] not later than
11 seventy-two hours [of] after the birth of the child, or as soon as
12 medically possible after [the] such birth. [, and that permissible
13 payment of expenses for birth parent counseling shall include the cost
14 of transportation.] Such counseling may be provided by a person with
15 a master's or doctoral degree in counseling, psychology, social work or
16 related mental health disciplines from an accredited college or
17 university.

18 Sec. 2. Section 45a-728a of the general statutes is repealed and the
19 following is substituted in lieu thereof (*Effective July 1, 2023*):

20 Prospective adoptive parents may participate in the labor and birth
21 of the child identified for adoption and may visit with such newborn
22 child, provided the [birth mother] pregnant person, the child-placing
23 agency and [her] the pregnant person's physician agree and such
24 participation and visitation are consistent with the medically necessary
25 procedures of the hospital.

26 Sec. 3. Section 45a-728b of the general statutes is repealed and the
27 following is substituted in lieu thereof (*Effective July 1, 2023*):

28 Any licensed hospital discharging a newborn infant identified for
29 adoption to a child-placing agency shall arrange for the physical
30 transfer of custody of such infant to take place in a safe, secure and
31 private room on the hospital premises. The prospective adoptive
32 parent or parents may be present at the discharge with the approval of
33 the child-placing agency. At the time of discharge, the hospital shall
34 provide such prospective adoptive parent or parents or child-placing
35 agency with any nonidentifying information customarily provided to
36 [birth] any alleged genetic parents upon discharge concerning the care,
37 feeding and health of the infant. The hospital shall provide the child-
38 placing agency with the medical information concerning the [birth
39 mother] person who gave birth and the infant within a reasonable
40 time. Such prospective adoptive parent or parents shall be permitted to
41 participate in any program of instruction regarding infant care and
42 child development that is made available by such licensed hospital to
43 [birth] any alleged genetic parents, provided such prospective
44 adoptive parent or parents pay the cost of such participation in such
45 program.

46 Sec. 4. Section 45a-728c of the general statutes is repealed and the
47 following is substituted in lieu thereof (*Effective July 1, 2023*):

48 (a) With respect to [adoption] adoptive placement of [children who
49 have been] a child identified or located by a prospective adoptive
50 parent or parents, payment [for the living expenses of the birth mother
51 by the prospective adoptive parents shall be permitted in an amount

52 not to exceed one thousand five hundred dollars or such amount as
53 may be approved in unusual circumstances by the probate court for
54 the district where the child-placing agency is located or where the
55 prospective adoptive parents reside. In addition to the payment of
56 living expenses, payment by the prospective adoptive parents of
57 reasonable telephone and maternity clothing expenses of the birth
58 mother shall be permitted.] or reimbursement by such adoptive parent
59 or parents to the person giving birth for reasonable expenses, fees and
60 services relating to the pregnancy or adoption, including, but not
61 limited to, living, medical or legal expenses, as determined by the
62 child-placing agency, shall be permitted. Any such payments or
63 reimbursements shall be made not earlier than one hundred eighty
64 days prior to the expected date of birth of such child and not later than
65 sixty days after the birth of such child. Any such payments or
66 reimbursements are subject to approval by the Probate Court in which
67 an application and agreement for adoption pursuant to section 45a-727
68 has been or will be filed.

69 (b) Except as provided in subsection (c) of this section, payments or
70 reimbursements provided by a prospective adoptive parent or parents
71 in accordance with subsection (a) of this section shall not obligate any
72 alleged genetic parent or parents to place such child for adoption. If
73 such alleged genetic parent or parents do not place such child for
74 adoption after such child's birth, the prospective adoptive parent or
75 parents who provided such payments or reimbursements shall have no
76 right to reimbursement for such payments or reimbursements.

77 (c) A prospective adoptive parent or parents may seek
78 reimbursement for payments or reimbursements provided in
79 accordance with subsection (a) of this section if (1) the person who
80 received such payments or reimbursements was knowingly not
81 pregnant at the time of the receipt of such payments or
82 reimbursements, or (2) such person received payments or
83 reimbursements simultaneously from a separate prospective adoptive
84 parent or parents without the knowledge of such other prospective

85 adoptive parent or parents.

86 (d) Except as provided in subsection (e) of this section, prior to the
87 provision of payment or reimbursement in accordance with subsection
88 (a) of this section, the prospective adoptive parent or parents
89 providing such payment or reimbursement shall file with the Probate
90 Court in which an application and agreement for adoption pursuant to
91 section 45a-727 has been or will be filed, a sworn affidavit containing a
92 list of all expenses, fees and services that such parent or parents intend
93 to pay or for which such parent or parents intend to reimburse. The
94 Probate Court shall, ex parte and without prior notice, approve
95 reasonable payments and reimbursements for such expenses, fees and
96 services. If the Probate Court determines that a payment or
97 reimbursement is unreasonable, the Probate Court shall schedule a
98 hearing on such affidavit to occur not later than thirty days after such
99 affidavit is filed. Not later than thirty days after such hearing, the court
100 shall issue an order approving or disapproving each payment or
101 reimbursement based on specific findings of fact.

102 (e) A prospective adoptive parent or parents may make payments or
103 reimbursements, in accordance with subsection (a) of this section, of
104 not more than two thousand dollars total, without filing a sworn
105 affidavit in accordance with subsection (d) of this section, provided the
106 child-placing agency determines (1) there is a demonstrated need for
107 such payments or reimbursements to protect the health or well-being
108 of the pregnant person or child, and (2) such payments or
109 reimbursements are reasonable.

110 Sec. 5. Section 45a-728d of the general statutes is repealed and the
111 following is substituted in lieu thereof (*Effective July 1, 2023*):

112 Any [birth] alleged genetic parent, or such parent's legal
113 representative, may advertise through any public media [in this state]
114 for the placement of [his or her] such parent's child for the purposes of
115 identified adoption or adoption through a child-placing agency. Any
116 prospective adoptive parent, or such prospective adoptive parent's

117 legal representative, may advertise through any public media [in this
118 state] for placement of a child into his or her care for the purposes of
119 identified adoption or adoption through a child-placing agency.

120 Sec. 6. Subsection (a) of section 45a-763 of the general statutes is
121 repealed and the following is substituted in lieu thereof (*Effective July*
122 *1, 2023*):

123 (a) An Adoption Review Board is established, to consist of the
124 Commissioner of Children and Families or [his] the commissioner's
125 designee, the Probate Court Administrator or [his] the administrator's
126 designee, and [an officer] a representative of a child-placing agency
127 which is located in the state and licensed by the Commissioner of
128 Children and Families, who shall be appointed by the Governor to
129 serve for a term of four years from the date of [his] such appointment.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2023</i>	45a-728
Sec. 2	<i>July 1, 2023</i>	45a-728a
Sec. 3	<i>July 1, 2023</i>	45a-728b
Sec. 4	<i>July 1, 2023</i>	45a-728c
Sec. 5	<i>July 1, 2023</i>	45a-728d
Sec. 6	<i>July 1, 2023</i>	45a-763(a)

Statement of Legislative Commissioners:

In Section 1, "within seventy-two hours of birth" was changed to "[within] not later than seventy-two hours [of] after the birth" for consistency with standard drafting conventions, Section 4(a), "has or will be" was changed to "has been or will be" for clarity, Section 4(c), "from separate prospective adoptive parents without the knowledge of the other prospective adoptive parents" was changed to "from a separate adoptive parent or parents without the knowledge of such other prospective adoptive parent or parents" for clarity, and in Section 4(d), "has or will be filed, a sworn affidavit containing all expenses, fees and services such parent or parents intend to pay or reimburse for" was changed to "has been or will be filed, a sworn affidavit containing a list of all expenses, fees and services that such parent or

parents intend to pay for or for which such parent or parents intend to reimburse" for clarity.

KID *Joint Favorable Subst.*